

Message Text

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51

ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 NEA-10 SCCT-02 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01

PRS-01 SPC-03 SS-20 USIA-15 AID-20 DRC-01 /151 W

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P R 091243Z MAR 74

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC PRIORITY 7827

INFO AMEMBASSY BRUSSELS

C O N F I D E N T I A L KHARTOUM 0531

E.O. 11652: GDS

TAGS: PINS, SU

SUBJ: KHARTOUM ASSASSINATION--MAGISTERIAL INQUIRY

REF: KHARTOUM 467

1. MAGISTERIAL INQUIRY OFFICIALLY CONCLUDED MARCH 9 WITH ANNOUNCEMENT MAGISTRATE'S DECISION REFER CASE TO COURT FOR FORMAL TRIAL. DECISION FOUND DEFENDENTS SHOULD BE TRIED UNDER FIVE SPEARATE ARTICLES OF SUDAN PENAL CODE, AS FOLLOWS: ARTICLE 78-- INDIVIDUAL RESPONSIBILITY FOR JOINT ACTS; ARTICLE 251-- MURDER PUNISHABLE BY DEATH OR LIFE IMPRISONMENT; ARTICLE 391-- HOUSE TRESPASS WITH PREMEDITATION TO HURT OR ASSUALT PERSONS; ARTICLE 410--USE OF FORGED DOCUMENTS; AND ARTICLE 441-- CRIMINAL INTIMIDATION. ALSO CITED WERE ONE ARTICLE EACH FROM ARMS AND MUNITION ORDINANCE AND PASSPORT AND IMMIGRATION ORDINANCE.

2. MAGISTRATE STATED THAT HE WOULD FORWARD INQUIRY RECORD, WHICH HE ENUMERATED, TO PROVINCE JUDGE FOR CONVENING OF SUPERIOR COURT. HE ADDED THAT HE HOPED THIS COURT WOULD BE OF SPECIAL STANDARD IN VIEW OF POLITICAL ASPECTS OF CASE. IN FORWARDING RECORD, MAGISTRATE SAID HE HAS INCLUDED THREE STATEMENTS APPARENTLY PREPARED BY THREE MURDERED DIPLOMATS ON PALESTINIAN CAUSE AS REQUESTED BY TERRORIST LEADER RIDZIK (REFTEL).

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GOVERNMENT STATEMENT ALSO REFERRED TO BY RIDZIK STILL BEING

SOUGHT BUT WILL BE INCLUDED WHEN LOCATED.

3. COMMENT: SESSION WAS LESS THAN THIRTY MINUTES, WITH NO DEMONSTRATIONS OR REACTION TO MAGISTRATE'S DECISION. ATTENDENCE REMAINED LIMITED TO NO MORE THAN DOZEN SUDANESE PLUS USUAL CLUTCH PALESTINIAN STUDENTS. AS POINT INTEREST, PLO REP ABU KHEIR WAS BACK IN COURT, BUT TOOK NO ACTIVE ROLE.

4. WE BELIVE THAT INQUIRY HAS ENDED IN SATISFACTORY FASHION FROM USG STANDPOINT WITH ALL EXPECTED CHARGES REFERRED TO TRIAL. REMAINS BE SEEN HOW FAST SUPERIOR COURT WILL BEGIN WORK, BUT TRACK RECORD RECENT PAST RE HANDLING BSO CASE HAS BEEN ENCOURAGING. ASSUME DEPT WILL AGREE WE SHOULD CONFINE ANY OFFICIAL COMMENT TO CONFIRMING FACTS, WHILE SEDULOUSLY AVOIDING ANY OVERTONE OF SELF-SATISFACTION.
BREWER

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